

House Engrossed Senate Bill

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 245

SENATE BILL 1248

AN ACT

AMENDING SECTIONS 5-341, 5-349 AND 5-391, ARIZONA REVISED STATUTES; RELATING
TO BOATING AND WATER SPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 5-341, Arizona Revised Statutes, is amended to
3 read:

4 5-341. Negligent operation of watercraft or water skis;
5 restriction in operation of watercraft

6 A. No person shall operate a watercraft in a careless, reckless or
7 negligent manner.

8 B. A person shall not operate a watercraft while allowing a person to
9 ride on the gunwales, the transom or the decked over bow of a watercraft
10 propelled by machinery operating in excess of wakeless speed except if:

11 1. That portion of the watercraft was designed and constructed for the
12 purpose of carrying passengers at all speeds.

13 2. The watercraft is being maneuvered for anchoring, mooring or
14 casting off moorings.

15 C. No watercraft shall be operated with a passenger or passengers on
16 the bow in such a manner as to obstruct the view of the operator.

17 D. No person on water skis, a surfboard or a similar contrivance shall
18 behave in a careless, reckless or negligent manner.

19 E. Except in case of emergency no person under the age of twelve years
20 may operate a watercraft propelled by a motor of greater than eight
21 horsepower unless the person's parent or legal guardian or at least one
22 person who is eighteen years of age or older is present on the watercraft.

23 F. Except as provided in subsection E of ~~this section~~, it is unlawful
24 for any person to allow another person under the age of twelve to operate a
25 motor-powered watercraft.

26 G. A PERSON VIOLATING SUBSECTION A, B, C OR D IS GUILTY OF A CLASS 2
27 MISDEMEANOR.

28 Sec. 2. Section 5-349, Arizona Revised Statutes, is amended to read:

29 5-349. Watercraft casualties; violation; classification

30 A. The operator of a watercraft involved in a collision, accident or
31 other casualty shall, to the extent he THE OPERATOR can do so without serious
32 danger to his THE OPERATOR'S own watercraft or persons aboard, render all
33 practical and necessary assistance to persons affected to save them from
34 danger caused by the collision, accident or casualty.

35 B. The operator of a watercraft involved in a collision, accident or
36 other casualty shall give his THE OPERATOR'S name, AND address and the
37 identification of his THE OPERATOR'S watercraft to any person injured and to
38 the owners of any property damaged.

39 C. Whenever death or injury results from any watercraft collision,
40 accident or other casualty, a written report shall be submitted within
41 forty-eight hours. For every other collision, accident or other casualty
42 involving property damage EXCEEDING FIVE HUNDRED DOLLARS, such A report shall
43 be submitted within five days after such THE incident by the operator or
44 owner of the watercraft involved. Such Written reports shall be submitted
45 directly to the department for use in statistical studies for casualty

1 prevention. Such Reports shall not be used as evidence in any trial, civil
2 or criminal, arising from any collision, accident or other casualty. Upon
3 request, A such report shall be forwarded to the United States coast guard
4 or other authorized federal agency to be used in statistical studies for
5 casualty prevention.

6 D. To maintain uniformity, watercraft casualty reports shall be on a
7 form approved by the commission.

8 E. Every peace officer who, in the regular course of duty,
9 investigates any watercraft collision, accident or other casualty INVOLVING
10 DEATH OR PERSONAL INJURY OR INVOLVING PROPERTY DAMAGE EXCEEDING FIVE HUNDRED
11 DOLLARS shall prepare and transmit a report to the department pursuant to
12 subsection B- C of this section.

13 F. If the operator of a watercraft is involved in a collision or
14 accident that results in death or serious physical injury, as defined in
15 section 13-105, and the operator fails to stop or comply with the
16 requirements of subsection A of this section, the operator is guilty of a
17 class 5 felony. If the operator of a watercraft is involved in a collision
18 or accident that results in injury other than death or serious physical
19 injury and the operator fails to stop and comply with the requirements of
20 subsection A of this section, the operator is guilty of a class 6 felony. If
21 the operator of a watercraft is involved in a collision or accident that
22 results only in damage to another watercraft that is operated or attended by
23 another person, and the operator fails to stop and comply with the
24 requirements of subsection B of this section, the operator is guilty of a
25 class 3 misdemeanor.

26 Sec. 3. Section 5-391, Arizona Revised Statutes, is amended to read:
27 5-391. Enforcement; violation; classification

28 A. Any person who violates any provision of this chapter, except
29 section 5-341, SUBSECTION A, B, C OR D, SECTION 5-349, SECTION 5-350,
30 SUBSECTION C OR SECTIONS 5-393, 5-395 or ~~5-395.06~~ 5-396 and subsections C,
31 F and G of this section or any rule issued thereunder, is guilty of a class
32 ~~3-misdemeanor~~ PETTY OFFENSE. ANY PERSON WHO VIOLATES SECTION 5-350,
33 SUBSECTION C OR SUBSECTION C OF THIS SECTION IS GUILTY OF A CLASS 2
34 MISDEMEANOR.

35 B. All peace officers of the state, counties and cities shall enforce
36 the provisions of this chapter and all laws and rules relating to the
37 operation of watercraft.

38 C. In the enforcement of this chapter, the operator of the watercraft
39 upon being hailed by any peace officer shall stop immediately and lay to, or
40 maneuver in such a way as to permit the peace officer to come aboard or
41 alongside. The operator may be ordered ashore to correct any unlawful
42 condition, issued a written warning or written repair order, or issued a
43 citation for any violation of this chapter.

44 D. In the enforcement of this chapter, the provisions of sections
45 13-2506 and 13-3903 shall apply.

1 E. Each failure to obey an order or to comply with a warning order
2 issued under the provisions of subsection C of this section shall constitute
3 a separate offense punishable as a separate violation of this chapter.

4 F. A person is guilty of a class 6 felony who knowingly removes,
5 defaces, obliterates, changes, alters or causes to be removed, defaced,
6 obliterated, changed or altered a factory, engine, serial, outdrive, lower
7 unit, power trim or hull identification number or mark on a watercraft.

8 G. A person is guilty of a class 2 misdemeanor who:

9 1. Knowingly displays or has in his possession a fictitious, stolen,
10 revoked or altered certificate of number, department issued number or annual
11 decal.

12 2. Lends to or knowingly permits the use of his certificate of number,
13 department issued number or annual decal on a watercraft for which those
14 items have not been issued.

15 H. Upon receipt of notice of conviction of a person under subsection
16 F or G of this section, the department may revoke the numbers and decals
17 issued to the watercraft which was involved in the violation and any other
18 watercraft owned by the person convicted.

APPROVED BY THE GOVERNOR APRIL 25, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2001.

Passed the House April 12, 2001,

by the following vote: 49 Ayes,

8 Nays, 3 Not Voting

[Signature]
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate February 19, 2001,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

Charmion Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1248

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 19, 2001,

by the following vote: 26 Ayes,

4 Nays, 0 Not Voting

Randall Smith
President of the Senate

Cherrin Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19 day of April, 2001,

at 4:00 o'clock P M.

Jandra Ramirez
Secretary to the Governor

APPROVED THIS 25 day of

April, 2001,

at 3:26 o'clock P M.

Janet Lee Hull
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 25 day of April, 2001,

at 4:45 o'clock P M.

Betsy Boyles
Secretary of State

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